

DEPARTMENT OF THE NAVY  
FLEET READINESS CENTER EAST  
PSC BOX 8021  
CHERRY POINT, NC 28533-0021

5720  
11.6-AFG/004060  
25 Mar 2019

**VIA ELECTRONIC MAIL:**

Mr. Gerry E. Gould  
1516 Mesquite Court  
Havelock, NC 28532  
e-mail: bgould@ec.rr.com

Subj: RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2019-004060

Ref: (a) Your Request of 25 Jan 19  
(b) FRC East FOIA Coordinator E-mail Memo of 21 Feb 19  
(c) PHONCON btwn A. Gaskins (Code 11.6)/G. Gould (Code 6.2.1.7) of 22 Feb 19  
(d) Your E-mail Memo Regarding Fees and Description of Records 22 Feb 19  
(e) FRC East FOIA Program ltr 5720 11.6-AFG/010346 of 25 Feb 19  
(f) 32 C.F.R. § 286  
(g) 5 U.S.C. § 552  
(h) SECNAVINST 5720.42F

Dear Mr. Gould:

1. This letter is in response to reference (a), in which you seek the release of records related to a Fleet Readiness Center East (FRC East) investigation into allegations of harassment.

a. This office notified you, via reference (b) that your request required additional information related to processing fees and the description of record sought. Per reference (c), a verbal agreement of the description of the records you are seeking was refined as below:

"An FRC East investigation regarding allegations of harassment that Mr. Gerry Gould made against Mr. Dan Pridemore on 15 August 2018, which was completed on or about 9 November 2018."

b. Per reference (d), your request was perfected on 22 February 2019 when you provided written verification of your willingness to pay fees associate with processing your request and verified that the above description of the requested records was correct. This office officially acknowledged your request by reference (e) on 25 February 2019.

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2. In response to your request, a record consisting of 4 pages was determined to be responsive. After review, it has been determined that 4 pages are appropriate for release and are provided as enclosure (1). However, all of the pages of enclosure (1) have been reviewed and redacted consistent with exemptions 5 U.S.C. § 552 (b)(6), which protects information that, if disclosed, would result in a clearly unwarranted invasion of personal privacy, as releases made under the FOIA is a release to the general public at large and 5 U.S.C. § 552 (b)(1), which protects properly classified national security information concerning the national defense.

3. In accordance with references (f) through (h), because portions of the records have been withheld, you may consider this to be an adverse determination that may be appealed. If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system by logging into your account and clicking the "Create Appeal" tab in the left-hand column. If you do not have a FOIAonline account, you may send an appeal by regular mail to the Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. It is recommended that your appeal and its envelope bear the notation "Freedom of Information Act Appeal."

4. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or via telephone at 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. You may obtain information or submit your request for mediation services to OGIS at Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01. You may also contact OGIS via e-mail at ogis@nara.gov, telephone at 202-741-5770 (toll free at 1-877-684-6448) or facsimile at 202-741-5769.

5. Consistent with the provisions of references (c) through (f), the Agency is authorized to charge assessable fees, where applicable. In your case, you were advised by reference (e) that you are entitled to up to two free hours of search time and one hundred pages of records without incurring search or duplication charges. However, both search time and duplication costs were within the free entitlements, and you are not assessed any fees at this time.

6. You are advised that, in accordance with reference (g), the agency is required to make copies of all records released to any person under the FOIA available for public inspection and copying. This includes records the agency determines are, or are likely to become, the subject of subsequent requests for substantially the same records.

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7. If you have any questions regarding this matter, you may contact this office via telephone at (252) 464-8336 or by e-mail at CP\_LEGAL.gm.fct@navy.mil.



JENNIFER B. TOLER

Encl: (1) FRC East Management Inquiry into Allegations of Harassment



## REPORT OF INQUIRY

As of 9 November 2018

### 1. Investigator(s) and Identifying Information and Location of Working Papers:

- a. (b)(6), Fleet Readiness Center East (FRC East), (b)(6)
- b. Location of Working Papers: FRC East 6.2.1 Division Office.

### 2. Background/Miscellaneous Information:

- a. On 29 August, 2018, FRC East EEO Office received a complaint from (b)(6) (b)(6) which stated allegations of verbal harassment (non-sexual), bully and creating a hostile work environment from (b)(6) supervisor (b)(6) (b)(6). The complainant provided multiple examples of dates between early March, 2020 and late July, 2018 on which (b)(6) (b)(6) allegedly created an environment making it very difficult for the complainant to perform (b)(6) duties. The complainant stated (b)(6) had raised these concerns to (b)(6) Competency Lead (b)(6) yet the harassment continued.

3. First Issue: (b)(6) past performance ratings have been satisfactory for the past 35+ years. (b)(6) had never received any negative comments or documentation questioning (b)(6) work ethic or (b)(6) workmanship prior to (b)(6) becoming (b)(6) supervisor of record. Noted below are the complainant's statements documenting a timeline of events that transpired between (b)(6) and (b)(6)

a. Facts:

- (1) In early March FY18, the complainant had a formal meeting with (b)(6) along with (b)(6) union rep to discuss concerns (b)(6) had with (b)(6) performance and failure to follow instructions. As a result of the meeting, the complainant was able to explain the concerning situation(s) and the complainant was under the impression that (b)(6) and (b)(6) were now on the same page and everything had been resolved.
- (2) 26 March FY18, (b)(6) presented the complainant a Memorandum for the Record for (b)(6) lack of performance and failure to follow instructions. Also noted within the subject memorandum, referenced the complainant's work ethic (which

(b)(6) took personally as it referenced (b)(6) as "lazy", etc.). These false statements about the complainant's character has further undermined the relationship between the complainant and (b)(6).

- (3) 3 July FY18, (b)(6) started visiting the complainant's shop more regularly specifically looking in (b)(6) work area. The complainant felt (b)(6) was sneaking in trying to catch (b)(6) with (b)(6) feet propped up or taking unauthorized breaks, etc. all of which the complainant had not been doing. The complainant had received other comments from (b)(6) co-workers stating that (b)(6) had a target on (b)(6) back and that (b)(6) needed to be careful. The complainant had also expressed concerns that (b)(6) is being discriminated against due to (b)(6) age.
- (4) 9 July FY18, (b)(6) presented the complainant a Letter of Caution for Inattention to Detail. The chain of events that resulted in the Letter of Caution are as followed: The shop PC prematurely moved several parts prior to QA verification. The complainant then processed the subject parts. In addition, there were (2) parts that were not properly protected or bagged correctly, yet QA had prior approved. The complainant then routed those items out of the shop as (b)(6) received them. The complainant's biggest concern is (b)(6) past practice of applying fair and equitable treatment is not consistent. Per the complainant, (b)(6) had never presented other artisans in the shop with Letters of Caution for these same types of oversight. As a result of receiving the subject Letter, the complainant was then removed from the (b)(1) Program.
- (5) 10 July FY18, (b)(6) returned to the complainant's work area. (b)(6) (b)(6) started consulting the complainant asking if (b)(6) had any issues regarding matters at (b)(6) home life that might be impacting (b)(6) duties at work. The complainant reassured (b)(6) that (b)(6) issues were not stemming from home but from work. The complainant was offended by the conversation and felt this was inappropriate to ask in (b)(6) work environment.
- (6) 12 July FY18, the complainant had a formal meeting with the responsible Competency Lead for (b)(6) area, (b)(6). After the complainant thoroughly explained (b)(6) concerns about the treatment (b)(6) had been experiencing with (b)(6) (b)(6), (b)(6) noted (b)(6) would talk to (b)(6). The complainant expressed that (b)(6) did not want to elevate this to the level of EEO's attention.
- (7) Once the complainant realized the situation had not improved, (b)(6) requested through (b)(6) supervisor chain-of-command the opportunity to talk with EEO. (b)(6) (b)(6) made the complainant wait 10-days before getting this opportunity.



The complainant strongly felt this was not an acceptable period of time to have to wait. Per (b)(6) union rep (b)(6), artisans are normally given the opportunity to speak with any EEO personnel within a 2 or 3-day period. Again, the complainant felt (b)(6) treated (b)(6) differently.

- (8) The complainant noted since (b)(6) received the opportunity to express (b)(6) concerns to EEO, no recent issues have surfaced. However, the complainant is cautiously waiting for the next minor concern to be elevated to get (b)(6) in hot water with (b)(6) (b)(6).
- (9) (b)(6) testimony was very brief and to the point. (b)(6) noted that (b)(6) has always strived to maintain a professional relationship with the complainant. (b)(6) primary focus has always been to support the warfighter's needs through meeting production goals while supporting (b)(6) artisans to the best of (b)(6) ability.
- (10) (b)(6) noted the reason the complainant received the Memo for the Record was a result of (b)(6) arriving late to work while riding (b)(6) bicycle. (b)(6) (b)(6) noted that the nightshift Competency Lead observed the complainant arriving late to work and as a result directed (b)(6) to present the complainant the Memo for the Record.
- (11) (b)(6) noted the reason the Letter of Caution was issued to the complainant was due to (b)(6) not following instructions.
- (12) (b)(6) noted that (b)(6) had not be spying on the complainant. (b)(6) tries to visit all (b)(6) responsible Production areas and converse with all (b)(6) artisans equally.
- (13) (b)(6) interview concluded by (b)(6) expressing (b)(6) appreciation toward the complainant's dedication and work ethic. (b)(6) also noted there does not appear to be any friction and (b)(6) has been very satisfied with the complainant's performance in recent months.

**b. Analysis/Discussion/Conclusion:**

- (1) The date range of (b)(6) complaint times reviewed for this investigation dates between early March, 2018 and late July, 2018.
- (2) The IO was only able to corroborate some of the information provided in the complaint which suggests the complainant and (b)(6) were not communicating as effectively as needed. (b)(6) has been in a supervisory

role for less than a year and has been quickly learning these new duties and responsibilities. After interviewing the complainant and (b)(6) it was apparent that both parties have been working together more closely as a team and their communication channels have improved compared to when the subject complaint was initiated.

- (3) The IO was only directed to interview the complainant and (b)(6) to gather and document any noted concerns.
- (4) During the interview, (b)(6), was present during (b)(6) interview.
- (5) Based on the evidence, the IO concludes the issue of (b)(6) allegations of verbal harassment, bully and creating a hostile environment on a recurring basis between early March, 2018 and late July, 2018 **is not substantiate** by the evidence (b)(6) provided.

#### 4. Interviews:

- a. (b)(6)
- b. (b)(6)

#### 5. Documents:

- a. n/a